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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/751,702 | 12/29/2000 | George A. Durden | BS00155 | 8399 |
| 7590 | 05/02/2005 | | EXAMINER | |
| SCOTT P. ZIMMERMAN PLLC P.O. BOX 3822 CARY, NC 27519 | | | BROWN, RUEBEN M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2611 | |

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,702

Applicant(s)

DURDEN, ET AL

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6, 11 & 12.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 7, 10-13, 17-20, 22 & 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Cragun, (U.S. Pat # 5,973,683).

Considering claim 1, the claimed system for controlling and managing presentation to viewers of TV, cable satellite, Internet, broadcast or other programming content, comprising a receiver adapted to receive a signal corresponding to a program and data associated with at least a first portion of the program, such that the data comprises content data, control data or both reads on the receiver system in Cragun (Fig. 2 & col. 7, lines 45-67 thru col. 8, lines 1-35), which receives video programming and corresponding ratings information used to control the receiver system to determine whether the instant video programming will be displayed, see col. 11, lines 28-34. In particular, Cragun teaches that different portions of a video program may

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contain different rating levels, such that some portions of the instant video program may be displayed to a particular viewer, while other portions of the same video program may be blocked from display to the same viewer, col. 11, lines 55-67 thru col.12, lines 1-15.

The claimed viewer interface adapted to receive information related to program presentation preferences of a viewer reads on the graphic user interface for visualizing and altering the downloaded TV guide and rating system, see col. 11, lines 19-40; col. 13, lines 1-21 & Fig. 3 & Fig. 4.

The claimed processor adapted to modify the content of at least the first portion of the program based on the data and program presentation preferences and to output the modified first portion of the program for presentation on a display with the remainder of the program is broad enough to read on the operation of the 'V-chip' disclosed in Cragun (col. 8, lines 25-35), which encodes broadcaster's encoded ratings of TV programs, such that at least a segment of a particular video program may be blocked based upon its ratings level, col. 11, lines 55-67 thru col.12, lines 1-15.

Considering claims 2, 12-13 & 23, Cragun discloses that the system may block any segment of the video program that contains a ratings level higher than the threshold set for a particular viewer, col. 11, lines 55-67 thru col.12, lines 1-15.

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Considering claim 7, Cragun discloses the use of a pointing device 60, such as a mouse driven pointer, which reads on the claimed wireless remote control device.

Considering claim 10, the claimed transmission facility for formatting programming, such that the transmission facility comprises a server for providing programming content and a data server for providing content, control data or both content and control data associated with multiple discrete portions of the programming content, reads on the operation of the broadcast distribution network, which includes the broadcast networks, multimedia providers and local cable providers, col. 7, lines 39-55 & col. 8, lines 56-65. Specifically, the claimed data server reads on the web site that provides the specialized TV program guides for the customer, see col. 10, lines 1-35.

Considering claims 11 & 18, the claimed method for controlling and managing presentation of programs and portions of programs, include steps that correspond with subject matter mentioned in the rejection of claim 1, and are likewise treated. Regarding the claimed 'multiple discrete segments of a program' recited in claim 18, the claimed feature reads on the different segments of a video program that may have different ratings levels, and thus are discrete segments.

Considering claim 17, the claimed feature of 'before modifying content, determining whether the portion to be modified exceeds a selected threshold percentage' reads on the

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disclosure in Cragun that when a selected program (or segment) has a rating that exceeds the censorship threshold, that the program (or segment) is censored, col. 11, lines 25-67.

Considering claim 19, the content data in Cragun reads on ratings category and content attributes, see Abstract; col. 12, lines 1-10; col. 12, lines 42-67.

Considering claim 20, the claimed feature of the content data relating to a predefined level of the content attribute reads on specific level that a segment or program is rated. For instance, Cragun discusses that when a program has a violence level that exceeds level 4, that the segment would be blocked, depending on the user defined threshold, see col. 11, lines 55-67.

Considering claim 22, see col. 11, lines 55-67, which teaches that any time segment of a video program that exceeds a certain threshold may be blocked, which reads on the claimed subject matter.

3. Claims 24-25 & 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Block, (U.S. Pat # 6,675,384).

Considering claim 24, the claimed method for providing dynamic user control over programming comprising providing the consumer electronic device with data synchronized to the programming wherein the data at least comprises varying content read on the discussion in Block that transmitted information labels, TIL are synchronized with a video signal and are used

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to identify and characterize the content of audio & video signals, see col. 3, lines 5-67; col. 4, lines 46-67; col. 5, lines 34-55.

The claimed feature of inputting the user's control setting that describe the type of programming the user desires to modify is met by col. 13, lines 5-52.

The claimed feature of modifying the programming according to the user's control setting and displaying the modified programming to the user is met by col. 13, lines 5-52; col. 15, lines 50-64.

Considering claim 25, the claimed use of a DVR to dynamically store/edit the programming so that it is seamlessly provided to the user, reads on the operation of the central station equipment, which generates the modified programming. It is disclosed that a storage unit 40 is used to combine signals, and that the storage unit may use various equipment, such as a compact disc, video disc, etc, which reads on the claimed DVR.

Considering claim 27, the claimed subject matter reads on the disclosure in Block that the user may choose to block either an entire program or only a segment of the program when it exceeds the preset threshold, according to the user's control settings, col. 13, lines 5-67.

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Considering claim 28, Block teaches that if a certain percentage of a program exceeds the preset threshold then the entire program would be blocked, which reads on the claimed subject matter, also see col. 13, lines 5-67.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cragun, '683, in view of Cragun, (U.S. Pat # 5,481,296).

Considering claim 3, even though Cragun '683 discloses that the system blocks offensive segments of a video program from being displayed, the reference does not explicitly teach that the instant segments may be deleted. Nevertheless, Cragun '296, which is in the same field of endeavor, discloses that a viewer has the option of editing video programming to delete offensive portions, col. 16, lines 36-55. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Cragun '683, locating and deleting an offensive portion of a video program, at least for the desirable improvement of allowing the viewer the

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option to record and view the particular video programming in a version or format that is acceptable, as shown by Cragun '296.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cragun, '683.

Considering claim 6, as for the claimed viewer interface comprising an applet to run on a consumer electronic device coupled to or incorporating the processor, such that the applet causes the display device to show the viewer interface by which the user inputs preferences, Cragun discloses the claimed viewer interface (Fig. 3), but does not discuss the use of applets.

Nevertheless, Official Notice is taken that at the time the invention was made, JAVA applets were well known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Cragun to utilize JAVA applets to present a user interface, at least for the well known benefits of portability and flexibility in that the applets may easily be downloaded to a large number of customer computers and provide enhancements to the user's computer's operating system, without requiring a new operating system.

7. Claims 4-5, 8-9, 14-16 & 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cragun, '683, in view of Block (U.S. Pat # 6,675,384).

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Considering claims 4, 8 & 14, Cragun '683 teaches blocking offensive programming, but does not disclose replacing the offensive programming with alternate material. Nevertheless, Block discloses a system that provides alternate programming for viewer that is not authorized to view a particular movie, Abstract; col. 4, lines 21-45; col. 13, lines 51-58. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Cragun '683 to provide viewers that have been denied access to requested video programming with alternate programming, as taught by Block, at least for the desirable improvement of presenting to the viewer more than just a blank screen or beeped audio.

Considering claims 5, 9 & 15, Block teaches that the alternate programming may be provide over a different channel, col. 9, lines 11-25 & col. 13, lines 51-58. As for claim 9, the claimed external device adapted to communicate with the processor, the tuner for tuning within the signal to a second channel having an alternative audio or video component reads on the tuner in Block, which tunes to a second channel to receive alternate programming, col. 13, lines 51-58; col. 19, lines 17-35 & col. 22, lines 3-14.

Considering claim 16, Cragun does not teach providing the user with an indicia indicating whether the portion will be modified. However, Block teaches providing a viewer of an appropriate message as a substitute for offensive scenes, col. 17, lines 65-67 thru col. 18, lines 1-54. It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify Cragun with the teachings of Block, indicating to the viewer that a scene(s) has

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been blocked, at least for the desirable benefit of informing the viewer of the status, so that the instant viewer doesn't think that the TV system is not properly operating.

Considering claim 21, Cragun does not discuss indicating whether the content data applies to video, audio or text components. However, Block discloses differentiating between the ratings of audio and the ratings of video, Abstract; col. 9, lines 41-56 & col 10, lines 1-12. It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify Cragun with the feature of indicating the rating level of audio and video for the desirable improvement of allowing the viewer to have selective access to the video and audio content separately, as taught by Block (col. 16, lines 31-58).

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Block, in view of Cragun, '683.

Considering claim 26, Block teaches that the TIL may be transmitted as part of the video signal or on an out-of-band channel, (col. 5, lines 8-17) but does not explicitly discuss its transmission with an EPG. However, Cragun '683 teaches that the content data rating the portions of a program may be transmitted as part of an EPG, (col. 10, lines 1-36). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Block with the feature of providing the content/rating data as part of an EPG, instead of with the video picture for the advantage of providing the user with a wider range of rating sources (other

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than the broadcaster), particularly independent rating sources, as taught by Cragun '683 (col. 9, lines 53-67 thru col. 10, lines 1-21 & col. 14, lines 47-67).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Collings Teaches providing a customer with alternate programming, created from a local screen generator, col. 11, lines 50-55.

B) Ford Provides alternate programming from locally stored content.

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Any response to this action should be mailed to:

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(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 746-6861 (for informal or draft communications, please label
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*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399.
The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the
organization where this application or proceeding is assigned is (703) 872-9306 for regular
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER